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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/535,071 | 05/17/2005 | David John Tasker | | 1874 |
| <div>7590 05/11/2007</div> <div>David John Tasker P O Box 491 Burleigh Heads, 4220 AUSTRALIA</div> <div>EXAMINER PHILLIPS, FORREST M</div> <div>ART UNIT PAPER NUMBER</div> <div>2837</div> <div>MAIL DATE DELIVERY MODE</div> <div>05/11/2007 PAPER</div> | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/535,071 | TASKER, DAVID JOHN | |
| | Examiner | Art Unit | |
| | Forrest M. Phillips | 2837 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/17/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 5/17/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-31,34-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Klipsch (US4138594).

With respect to claim 29 Klipsch discloses a speaker system which transmits sound to a listening area by reflection, the speaker system including:

At least one speaker enclosure comprising an enclosure housing (12 in figure 2); at least one electro-acoustic transducer (13 in figure 2) supported on said housing; and a reflective horn (17 in figure 2) for reflecting sound from said transducer into the listening area, said at least one transducer facing in use away from said listening area, said reflective horn having a rear reflecting panel (8 in figure 2) opposite said transducer, an opening through which sound reflected from said transducer exits said

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reflective horn (M in figure 2), and a top reflecting panel (9 in figure 2) defining a boundary of said opening said top reflecting panel extending at 50 degrees to 150 degrees from said rear reflecting panel (see abstract, column 5 lines 15-21 for explanation of how "lower panel " 9 can also be a top panel, namely the ceiling).

With respect to claim 30 Klipsch further discloses wherein said rear reflecting panel is angles at 20 to 60 degrees to the at least one transducer (see figure 2).

With respect to claim 31 Klipsch further discloses wherein the at least one transducer is tilted relative to the rear reflecting panel at an angle of 0 to sixty degrees (see again figure 2).

With respect to claim 34 Klipsch further discloses wherein the reflective horn includes at least one side reflecting panel (21 in figure 3), said side reflecting panel defining a side boundary of said opening.

With respect to claim 35 Klipsch further discloses wherein the horn includes a pair of side reflecting panels (21 and 22 in figure 3).

With respect to claim 36 Klipsch further discloses wherein said opening of said reflective horn is located above said enclosure (refer again to Column 5 as above in claim 29).

With respect to claim 37 Klipsch discloses a speaker system which transmits sound to a listening area by reflection, the speaker system including:

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At least one speaker enclosure (12 in figure 2) having a baffle panel (16 in figure 2); at least one electro-acoustic transducer (13 in figure 2) supported on said baffle panel; and

A reflective horn (17 in figure 2) for reflecting and directing sound from said transducer into the listening area, said baffle panel facing in use in a rearward direction relative to said listening area such that said at least one transducer is directed away from said listening area, said reflective horn having: a planar or concave reflecting surface (8 in figure 2) opposite said baffle panel, and an opening (M in figure 2) through which sound from said transducer reflected from said reflecting surface exits said reflective horn in use toward said listening area.

With respect to claim 38 Klipsch further discloses wherein said reflecting surface comprises a planar reflecting surface defined by a planar rear reflecting panel opposite said baffle panel, said baffle panel being tilted away from said rear reflecting panel (see figure 2).

With respect to claim 39 Klipsch further discloses wherein said reflective horn includes a further reflecting panel (19 in figure 2) extending from said rear reflecting panel and defining a boundary of said opening.

With respect to claim 40 Klipsch further discloses wherein said reflective horn includes opposite side panels defining opposite boundaries of said opening (21 and 22 in figure 3).

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With respect to claim 41 Klipsch further discloses wherein said speaker enclosure includes a pair of opposite side panels (21 and 22 in figure 3) defining sides of said housing and said reflective horn and side boundaries of said opening.

With respect to claim 42 Klipsch further discloses wherein said speaker enclosure includes a top reflecting panel (9 in figure 2 as above see column 5) defining a top reflecting panel of said horn, said top reflecting panel extending from said rear reflecting panel and defining an upper boundary of said opening, said top reflecting panel extending at 50 to 150 degrees from said rear reflecting panel.

With respect to claim 43 Klipsch further discloses wherein said speaker enclosure includes a front panel (7 in figure 2) defining the front of said housing and a top panel (5 in figure 2) extending from said front panel, said top panel defining a lower boundary of said opening, said baffle extending from said top panel.

With respect to claim 44 Klipsch further discloses wherein said reflective surface comprises a concave reflecting surface defined by a concave panel (Column 3 lines 34-40).

Claims 32, 33 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klipsch.

With respect to claim 32 Klipsch discloses the invention as claimed except for the tilt orientation of the speaker with respect to the distance from the ground.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to so orient the transducer in the housing and the housing in the

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room, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

With respect to claim 33 Klipsch further discloses wherein the reflective horn includes a bottom reflecting panel (5 in figure 2) connected to the rear reflecting panel and extending at an angle to the rear-reflecting panel.

While Klipsch does not disclose expressly that the angle is between 50 and 150 degrees it would have been obvious to one of ordinary skill in the art to select such an angle as it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

With respect to claim 48 Klipsch discloses the invention as claimed except using two speakers, a right channel speaker and a left channel speaker.

At the time of the invention it would have been obvious to one of ordinary skill in the art to use two speakers in such an arrangement as it is well known in the art to have two speakers outputting different signals, namely a right channel and a left channel.

Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klipsch in view of Wiener (US6134332).

With respect to claim 45 Klipsch discloses the invention as claimed except wherein said concave panel is defined by the wall of a part spherical shell, said part spherical shell further defining said enclosure housing.

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Wiener discloses the use of a concave panel (412 in figure 5) defining the wall of part spherical shell, said part spherical shell further defining an enclosure housing.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Wiener to use a part spherical shell as part of the housing with the teachings of Klipsch to focus the sound (see column 2 lines 40-50 of Wiener).

With respect to claims 46 and 47 Klipsch in view of Weiner disclose wherein the enclosure housing is further defined between a baffle panel extending radially of said shell and a top enclosure housing panel extending radially of said shell.

Examiner considers the teachings of Klipsch to reflect the sound about a curve as shown taken in conjunction with the teachings of Weiner to use a part spherical shell disclose the structure as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

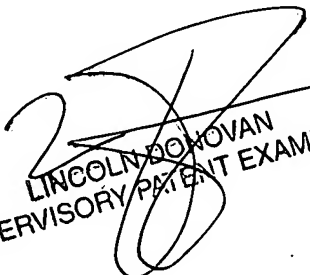
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forrest M. Phillips whose telephone number is 5712729020. The examiner can normally be reached on Monday through Friday 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 5712721988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FP


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER